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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,174	02/11/2004	Ernest L. Lawton	03626.0066	9931

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WASHINGTON, DC 20001-4413

EXAMINER

GRAY, JILL M

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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02/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/775,174	Applicant(s) LAWTON ET AL.	
	Examiner Jill Gray	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-23 and 27-72 is/are pending in the application.
- 4a) Of the above claim(s) 53-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-23 and 27-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The rejection of claims 1-4, 6-23, 27, and 32-52 under 35 U.S.C. 103(a) as being unpatentable over Stengle, Jr. 4,316,930 is moot in view of applicants' amendment.

The indicated allowability of claims 28-31 is withdrawn in view of a newly cited reference.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4, 6-11, 13, 27-30, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Throne et al., 5,364,657 and 5,370,911 (referred to collectively as Throne).

Throne teaches a glass fiber product comprising at least one glass fiber and particles adhered to the at least one glass fiber, said particles having an average dimension within the instant claimed range and being of the type contemplated by applicants in present claims 1, 6-11, 13, 27-30, and 33. See entire documents and for example, '657 abstract, column 3, line 43 through column 4 and line 10. In addition, the glass fiber product can be a prepreg, as required by claims 3-4.

Therefore, the teachings of Throne anticipate the invention as claimed in present claims 1, 3-4, 6-11, 13, 27-30 and 33.

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3. Claims 1-4, 20-22, 33, and 47-51 are rejected under 35 U.S.C. 102(b) as being anticipated by McLarty et al., 3,629,028 (McLarty).

McLarty teaches a glass fiber product comprising at least one glass fiber and particles adhered to the at least one glass fibers, wherein the particles are of the type contemplated by applicants, as required by present claims 1 and 3-4. In addition, McLarty teaches that the glass fibers are coated with a coating, per claims 2 and 51, and that the particles are present in an amount within the instant claimed ranges of claims 20-22 and 47-50. See entire document.

Therefore, the teachings of McLarty anticipate the invention as claimed in present claims 1-4, 20-22, and 47-50.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 34-46 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Throne et al., 5,364,657 and 5,370,911 (referred to collectively as Throne) or McLarty et al., 3,629,028.

Throne and McLarty are as set forth above and teaches particles have an average particle size within the range as contemplated by applicants (Throne) or that the particles are present in an amount within the instant claimed range (McLarty). Applicants claims require that at least one parameter selected from the particle size and the amount of particles results in the properties of instant claims 34-46. Accordingly, since the particles of the prior art are within the instant claimed range, or alternatively

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present in the same amount, the examiner has reason to believe that the product of the prior art has parameters within the instant claimed ranges as well, in the absence of clear factual evidence to the contrary. Applicants are invited to provide such evidence.

Therefore the teachings of Throne or McLarty anticipate or in the alternative render obvious the invention as claimed in present claims 34-46.

6. Claims 12, 14-19, 31-32, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Throne et al., 5,364,657 and 5,370,911 (referred to collectively as Throne).

Throne is as set forth above and teaches particle sizes within the instant claimed ranges. Claims 12 and 14-19 are drawn to the size and shape of the particles, wherein changes in size and shape ordinarily are not construed to be a matter of invention, in the absence of factual evidence to the contrary. Applicants are invited to provide such evidence. Regarding claim 52, the particular type of fiber would have been obvious to choose and determine by the skilled artisan for optimization purposes. Hence, this requirement is not construed to be a matter of invention in the absence of factual evidence to the contrary. Applicants are invited to provide such evidence.

7. Claims 6-19 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLarty et al., 3,629,028, as applied above.

McLarty is as set forth above and teaches particles that are present within amounts as contemplated by applicants. Claims 6-19 are drawn to the size and shape of the particles, wherein changes in size and shape ordinarily are not a matter of invention, in the absence of factual evidence to the contrary. Applicants are invited to

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provide such evidence. Claim 52 is drawn to the particular fiber type which is not construed to be a matter of invention in the absence of factual evidence to the contrary. Applicants are invited to provide such evidence.

Therefore, the teachings of McLarty would have rendered obvious the invention as claimed in present claims 6-19 and 52.

Response to Arguments

8. Applicant's arguments with respect to claim 1-4, 6-23, 27-52 have been considered but are moot in view of the new ground(s) of rejection.

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill Gray whose telephone number is 571-272-1524. The examiner can normally be reached on M-Th and alternate Fridays 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton I. Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jill Gray
Primary Examiner
Art Unit 1794

/Jill Gray/
Primary Examiner, Art Unit 1794